

PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200400594-CLM

Comment Period: February 11, 2004 through March 13, 2004

Project Manager: Crystal Marquez (213) 452-3418 Crystal.Marquez@usace.army.mil

Applicant

Steve Letterly
The Irvine Company
500 Newport Center Drive
P.O. Box 6370
Newport Beach, California 92658-6370

Contact

Tony Bomkamp
Glen Lukos Associates
29 Orchard
Lake Forest, CA 92630

Location

The proposed project, comprising approximately of 505.1 acres, will occur in portions of Bee Canyon Wash, Round Canyon Wash, and unnamed tributaries within the San Diego Creek Watershed in Irvine, Orange County California. The property is generally bound by the Laguna Freeway (State Highway 133) to the west, undeveloped land to the east, the Foothill Transportation Corridor (State Highway 241), to the north, and the Marine Corps Air Station El Toro to the south. The Project is located on the U.S. Geological Survey (USGS) topographic map for El Toro, California [dated 1968 and photo revised in 1982] within Sections 119, 120, 142, 143, 152, and 153 at R8W, T5S and T6S is attached as well as a 400-scale map depicting areas of the Corps jurisdiction on the site.

Activity

The applicant proposes to construct a housing development consisting of 505.1 acres. The preferred project alternative would impact 1.46 acres of Water of the United States. For more information see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch

ATTN: CESPL-CO-R-200400594-CLM
P.O. Box 532711
Los Angeles, CA 90053-2325

Alternatively, comments can be sent electronically to: Crystal.Marquez@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- This project is located outside of the coastal zone and will not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- The majority of the site is currently occupied by farmland, orchards or nursery areas. Limited areas on the site support coastal sage scrub that is occupied by the federally listed threatened

Coastal California Gnatcatcher. The Corps is further analyzing impacts to the Coastal California Gnatcatcher. If the Corps determines that a proposed project may affect a federally listed endangered or threatened species or designated critical habitat, a Section 7 consultation with the U.S. Fish and Wildlife Service will be initiated.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed activity is the discharge of fill material into approximately 1.46 acres of waters of the United States associated with the agricultural drainage ditches described above. The Corps has determined that the agricultural drainage ditches and channelized ditches that would be filled represent re-aligned waters of the U.S.

Wetlands or other special aquatic sites would not be filled for construction of the project. The project description includes modifications to the Marshburn Retarding Basin. The modifications to the basin involves lowering the bottom elevation to increase storage capacity and extending existing inlets and outlet structures consistent with the San Diego Creek master plan of drainage and the IRWD natural treatment system. The basin was constructed with three inlet facilities (northwest, northeast and southeast) and one outlet facility (parallel to Irvine Blvd.) Each of these facilities were originally constructed as trapezoidal (earthen or concrete) or underground. The ultimate configuration will result in a combination of underground and concrete trapezoidal inlet and outlet structures.

Additional Project Information

Existing Site Conditions- The site is currently occupied by farmland within the San Diego Creek Watershed. There are four drainages occurring within this site.

Drainage A (Bee Canyon Wash)-Corps jurisdiction associated with Drainage A (Bee Canyon Wash) located on the Project site totals approximately 0.16 acres, none of which consists of wetlands. Drainage A is located near the center of the potential development area and extends for approximately 1,400 feet toward the south from where it enters the site through culverts beneath Portola Parkway. The channel is uniformly five feet in width, and the channel bottom consists of silt, sand, and cobble. This reach of Drainage A is unvegetated and traverses agricultural fields before exiting on the southern boundary of the site.

Drainage F (Round Canyon Wash)- Corps jurisdiction associated with this reach of the Drainage F (Round Canyon Wash) located on the Project site totals approximately 0.62 acres, none of which consist of jurisdictional wetlands. This reach of Drainage F enters the potential development along the eastern boundary of the site and extends in a southwesterly direction for approximately 2,350 feet. The channel ranges from nine to 20 feet in width, and the channel bottom consists of silt, sand, and cobble. This unvegetated lower reach traverses an avocado orchard before exiting the site at the southern border.

Lambert Drainage-Corps jurisdiction associated with the Lambert Drainage totals approximately 0.28 acre, none of which consists of jurisdictional wetlands. The drainage extends in a southwesterly direction 1,220 ft from near Portola Pkwy to its convergence with the Drainage F. It is uniformly 10 feet wide along the entire length. The drainage is mostly unvegetated, and has sand and silt substrate. The slopes associated with the drainage are vegetated with soft chess (*Bromus hordeaceus*, UPL), rat-tail fescue (*Vulpia myuros*, FACU*), prickly lettuce (*Lactuca serriola*, FAC), wild radish (*Raphanus sativus*, UPL), bristly ox tongue (*Picris echioides*, FAC*), and sorghum (*Sorghum halepense*, FACW).

Drainage O- Corps jurisdiction associated with Drainage O totals approximately 0.40 acre, none of which consists of vegetated riparian habitat. Drainage O is located in the western portion of the potential development area and originates from a culvert south of the Foothill Transportation Corridor. This is an unvegetated drainage,

which extends south, adjacent to Highway 133, for approximately 4,100 feet before exiting the site via a culvert near the southern boundary. The channel ranges from approximately two to seven feet in width, and the channel bottom consists of sand and cobble. Indicators characteristic of flow include changes in the character of the soil (sediment deposits), the presence of litter and debris and shelving.

Project purpose and need- The Corps has determined the basic project purpose is to construct a financially viable mid-sized mixed master-planned community within the City of Irvine and associated community commercial and light industrial development. The Corps would select the Least Damaging Practicable Alternative.

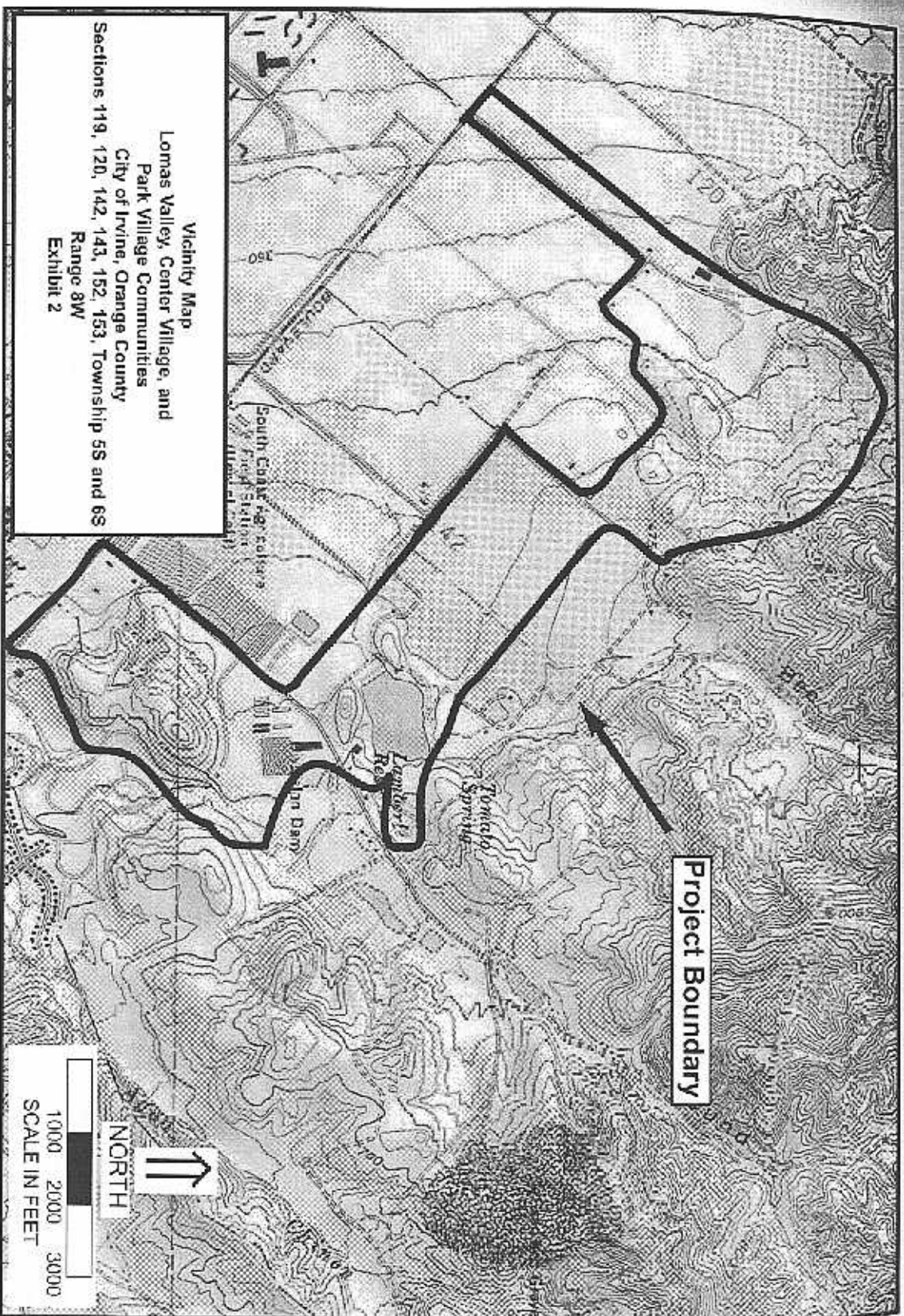
Mitigation Measures- Impacts to areas subject to the Corps jurisdiction would be provided through the creation of approximately 3.1 total acres of site appropriate riparian habitat within an area, which would serve to extend Drainage D. The applicant would be required to submit a mitigation and monitoring plan, conforming to the requirements in the Corps 2002 mitigation and monitoring guidelines.

Alternative Analysis- The applicant has conducted a preliminary alternatives analysis pursuant to the Section 404(b)(1) Guidelines published at 40 CFR Part 230. We also note that the consideration of alternatives is also limited due to the low values of the aquatic features on the Project site.

- a.) Preferred Project Alternative- The proposed activity is the discharge of fill material into approximately 1.46 acres of waters of the United States associated with the agricultural drainage ditches described above. The Corps has determined that the agricultural drainage ditches and channelized ditches that will be filled represent re-aligned waters of the U.S. Wetlands or other special aquatic sites will not be filled for construction of the project.
- b.) No Action Alternative- The no action alternative would avoid all portions of the realigned Bee Canyon and Round Canyon washes, the Lambert Drainage and Drainage O. Avoidance of the drainages (specifically Bee Canyon Wash, Round Canyon Wash, and the Lambert Drainage) would affect the circulation element and the installation of infrastructure (e.g., sewer and water lines) that need to cross the drainages in the central portion of the project. This in turn would result in the loss of approximately 144 acres out of the 323.4 acres of proposed development area, or approximately 45-percent of the developable land. The loss of 45-percent of the developable area would reduce the size to such an extent that the resulting project would not achieve the project purpose of a mid-sized master planned community.
- c.) Off-Site Alternative- The applicant evaluated other sites within the City of Irvine of approximately that same size as the proposed project. It determined that there are no sites, which are consistent with the City's General Plan and the NCCP/HCP, that meet the purpose and need for the project that are not either in the process of entitlement for development or designated as open space.

Proposed Special Conditions

For additional information please call Crystal L. Marquez of my staff at (213) 452-3418. This public notice is issued by the Chief, Regulatory Branch.

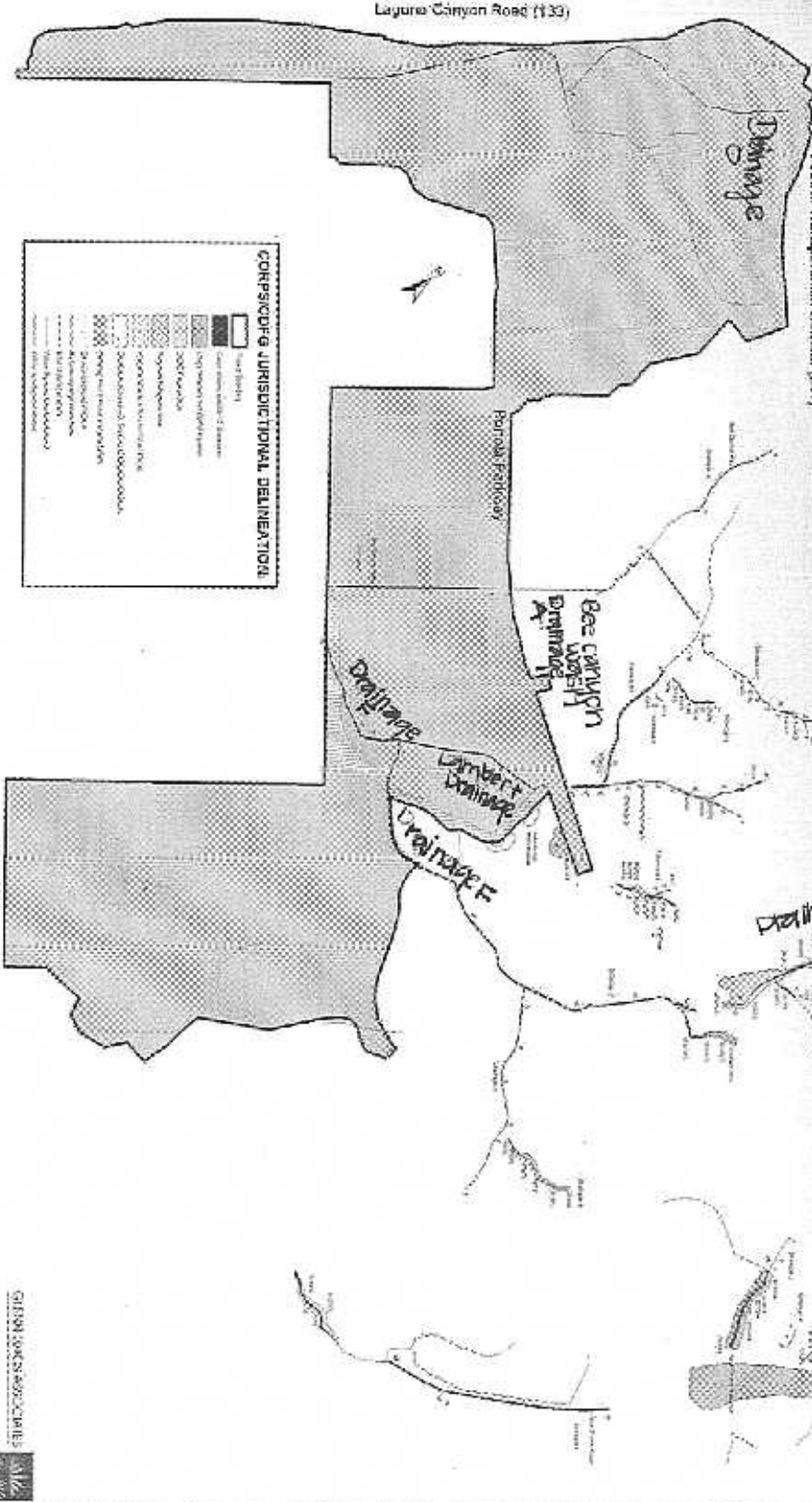


Adapted from USGS El Toro Quadrangle

The Irvine Company
Lomas Valley, Center Village, and Park Village Communities
in the City of Irvine, Orange County Planning Area 6
Jurisdictional Delineation Map with
Proposed Mitigation Areas

Footnote: Transportation Corridor (2.4.1)

Laguna Canyon Road (11.33)



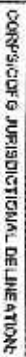
COMPENSATORY JURISDICTIONAL DELINEATIONS

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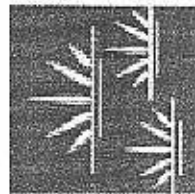
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Hostfield Transportation Services (2011).



CLINT LINDS ASSOCIATES
ALC



GLENN LUKOS ASSOCIATES

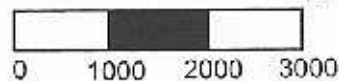
EXHIBIT 5

**Lomas Valley, Center Village,
and Park Village Communities**

Aerial Photo



NORTH



FEET